

Birmingham Protest Had Slow, Reluctant Start.

BIRMINGHAM—When the Rev. Dr. Martin Luther King Jr. came to town last April 3 and launched anti-segregation demonstrations, a considerable portion of the Negro community was hesitant in lending its support.

A new moderate city government has been elected the day before the help of Negro voters and had proved to Mayor Burnstick's had great image for the better when it took office.

The first mass meetings of Negroes took place in the city square early this morning.



the King told the Nation that the
because the patient was here to help
them.

"The you want to be free," he asked.

"Yes, yes," they shouted.

He mentioned the city use of fire hoses to break up the demonstrations.

"We're told water hurls over the years," he said. "Let them pay them

1000.

"The churches were burning," he said.

one Methodist church, a middle-aged Negro woman, dressed in white and gold, parading herself as a peacemaker to the other members of the audience as the other members of the audience murmured concurrence.

—We need you, Joe. We can't go against Ball tonight without you. . . ."

"We're gone for a few days and we can't turn back. I try or we stay months. We're just lost."

[illegible]

That is why one Negro student whirled and danced through the jet streams of water at Tuesday's demonstration, took off his shirt and slapped it against Bull Connor's white riot tank in utter derision.

All of the Negro leaders feared violence, and Dr. King, Mr. Blunt, and others in command repeated their admonitions to the Negro demonstrators to carry no weapons, to enter no disturbance.

There are some headlum elements, black white and Negro, that could set this all off into a race riot," he said. Students at Nikea emptied the college several times to join the demonstrations—knowing they faced no punitive action for leaving school.

Conservatives Join In
MULTI-CLASS Societies, generally
a conservative group, ended up
sending their children to participate
in the demonstrations with the lower-
class youngsters.

One teacher in the Negro public school said that the students were not told to leave the schools and participate in the protests. But the teachers—also generally conservative—group-made it clear that they personally thought the demonstrations were right and just. And off the chat they went.

of Gaston, a successful Negro businessman who financially well-known who he thought acknowledged that the thought total progress would have followed the election of the new city government without demonstrations.

"But the demonstrations gave us a message we never had before to use at the bargaining table," said Gaston, speaking for Negro moderates. "The new message means we must now begin to help the Negro people to help themselves."

Some knew the Score
BIRMINGHAM Negroes are a part of the effort directed at the use of children in the demonstration. Some of the children were not adequately trained to picket and march, they got a two-minute briefing, and set off to do consistent battle and are arrested before they could even hold up their signs.

Some children didn't know what it was all about. When they were asked, they would stifle. But many more, though, were very clear on their role and mission that one's role

"When you think about what they are doing as children, think what can be done when they are adults."

Both Dr. King and Mr. Shuttleworth said in an interview that the mammoth Tuesday demonstration marked a turning point in the entire non-violent protest movement in the Deep South.

"Yes, the first time in our history," Mr. King filled up the back of a city," said Mr. King, head of the Southern Christian Leadership Conference, which co-sponsored the demonstrations with Mr. Shuttlesworth's Alabama Christian Movement for Human Rights.

A Common Goal
YET THE Negro community, dashed over the de-segregation device a month ago, was united today. Its techniques had found that their goal of equality was the same.

The S.U.C. for the Stuart New York City Council, which helped in conducting this study, is the democratic organization, and the N.Y.C. which is then the result of local work, often done by the students in the past. But it is different in formation. After the time was announced and the date of the contest was set, the N.Y.C. community relaxed a little bit and went back over the past two weeks.

Said Ruth Jackson, who heads a Negro basketball league and a Negro swimming club, "I never thought we would have a better protest in this kind of way. We finally began to get out of our own way."

And the Negroes, many backed

[illegible]

It is a very common mistake to suppose that the only way to get rid of a bad habit is to try to suppress it. This is a very dangerous error, because it leads to a state of mental tension which may result in a complete breakdown of the nervous system. The only safe way to get rid of a bad habit is to find out what causes it, and then to remove the cause. If you can find out why you have a bad habit, you will be able to get rid of it without any harm to your health.

THE WEEK IN PERSPECTIVE

Rights: A New Break

After five weeks of demonstrations and arrests, whites and Negroes reached accord on a desegregation plan in Birmingham, Ala. A doubt lingered whether the pact is binding on the city government.

"Non-violence is a power which can be wielded equally by all—children, young men and women or grown-up people," Gandhi once wrote on passive resistance.

Perhaps the most striking aspect of the mass demonstrations that began in Birmingham early in April was the use of Negro youngsters. In previous sit-ins elsewhere, the young had appeared, but never in such numbers, or at such tender ages.

By May 2 when 417 were arrested and the tension began moving toward a climax, many of the participants were found to be in their teens. On May 5 the total of arrests rose to 1,100, and reporters estimated half were persons under 18. One 8-year-old girl was found among them.

The Rev. Martin Luther King, Jr., and his followers, who acknowledge their debt to Gandhi's techniques, seemed to be carrying his passive resistance teachings to the letter.

Negroes Criticized

Using children in the front line was a fearome risk. It drew criticism from other Negroes. "Real men don't put their children on the firing line," jeered Malcolm X, a Black Muslim leader.

By some miracle, the children and teenagers escaped serious injury, despite use of high-pressure fire hoses and dogs by Birmingham police. Perhaps the presence of the youth exerted an influence, for the dogs and hoses disappeared at midweek as a truce was reached.

By an equally impressive miracle, the gamble paid off. Negroes appeared to have won their point at the week's close. The truce terms pointed them.

The right to eat at all lunch counters, use sitting rooms and rest rooms and drinking fountains within 90 days in downtown department stores and variety stores.

Hiring and promotion of Negroes without discrimination in Birmingham's stores and industries within 60 days, and appointment of a fair employment committee.

Release of jailed Negro demonstrators on bond or personal pledge.

Many Freed

Not all Negro demands were met. They had sought release of demonstrators from jail, no strings attached, but the charges of parading without a permit were continued and it took \$237,000 in bonds to free some 790 prisoners.

The Southern Christian Leadership Conference, which started the campaign against segregation, also had sought establishment of a biracial committee in the city. Instead, it got a promise by business leaders to keep communications open between the two races.

Confusion marked the five-week series of events from the start. The city was in the process of shifting from a mayor-commissioner of police organization to a mayor-city council system. The former officers, Mayor Arthur J. Hanes and Commissioner Eugene "Bull" Connor, had filed suit contesting their ouster. Both are bitter segregationists, and neither they nor the new mayor negotiated with the demonstrators on behalf of the city.

Merchants' Role

It remained for a semi-secret group of merchants, calling themselves the Senior Citizens' Committee, to open talks. Their personal worry in the riots: A drop-off of up to 25 per cent in store sales as customers stayed away from the violence-torn shopping district.

Added was confusion and vacuiness on the Negro side. Many did not know what they were agitating for. Some of the youngsters told reporters they were marching on orders from parents. Only after Burke Marshall, Assistant Attorney General, arrived as unofficial mediator did the Negroes present their demands in clear, orderly form.

The pact brought peace to Birmingham's streets yesterday, but some doubts remained on both sides about how permanent it was. Neither of the two city administrations had signed it. But if the merchants have their way, it probably will stick.

Meanwhile, the desegregation movement gathered momentum elsewhere. Police clashed with Negro students in Nashville during demonstrations against two restaurants. Police jailed 105 young Negro college students at Raleigh in similar circumstances.

And the Negro American Labor Council announced plans for a "march on Washington" next October to protest job discrimination.

A fourth city, Knoxville, Tenn., reported 30 arrests of Negro and white demonstrators. Like the crowds in Birmingham, participants were young—some of them in their early teens.

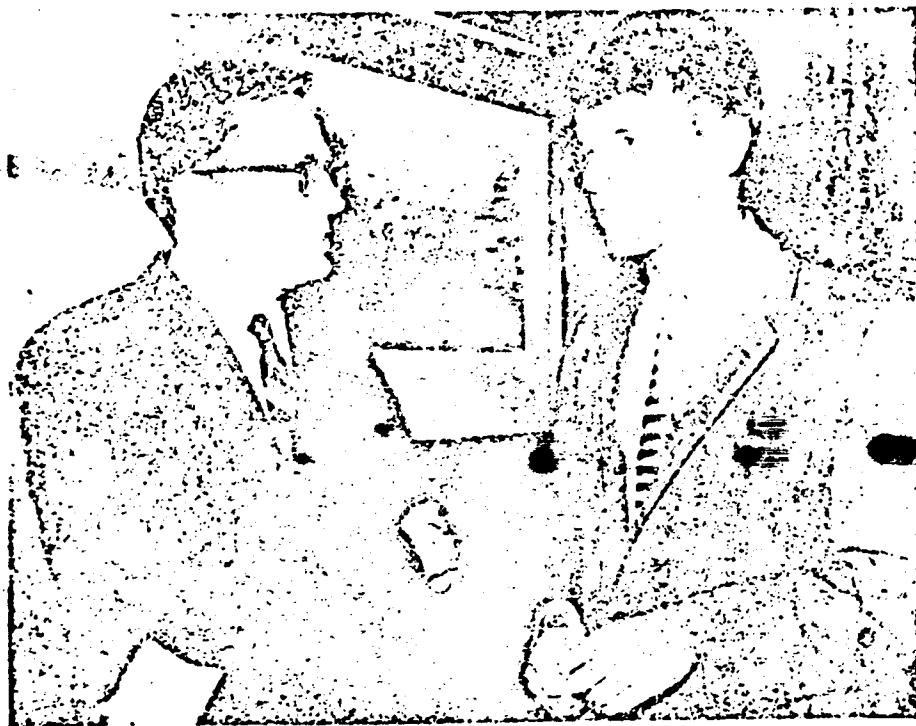
The Knoxville faction centered

at a downtown theater and front door of a cafeteria where several interlocked their arms to keep customers from entering. In the scuffle that ensued, a Negro minister and two teen-aged girls were injured.

Mayor Beverly Briley said he would ask business and Negro leaders to hold discussions to prevent further strife.



The three Negro ministers integration leaders at a news conference in Birmingham last week. From left, Martin Luther King, Fred Shuttlesworth and Ralph Abernathy.



U.S. Supreme Court Chief Justice Earl Warren confers with Attorney General Kennedy after return here — AP Photos

MAY 12 1968

BIRMINGHAM PEACEMAKER

Marshall Went; Marshals Didn't

By MARY McGRORY
Star Staff Writer

Ten days ago when children were being sent to jail and Negro marchers were facing police dogs and fire-hoses, Attorney General Robert F. Kennedy made an important decision.

He decided to send Burke Marshall, instead of Federal marshals, into Birmingham.

The decision was triumphantly vindicated.

The marches have stopped. The prisoners are released. Their demands have been met. And quiet, bespectacled Burke Marshall, a 40-year-old graduate of Yale and Yale law school, is being hailed as a national hero.

He not only brought quiet to the city. He set a pattern for negotiating racial differences on a local level without Federal intervention by force.

To do that, he used what many had regarded as the unlikelyst weapons in the battle for civil rights, the business leaders of the community. He and the passionately anonymous Babitts of Birmingham, to the amazement of all, brought it off together.

Nobody gave much for his chances when he took the

morning plane for Birmingham on Saturday, May 4. The assistant attorney general in charge of civil rights is rated one of the best legal minds in the department as well as one of its most patient listeners. But nobody thought these qualities would count for much in a situation that promised only

Mr. Marshall checked in to the Holiday Inn. He immediately got in touch with some Birmingham citizens he had come to know in frequent visits to the city. A year ago, he warned the newspaper publishers and other community leaders that they were sitting on the most explosive situation in the south.

The local office of the FBI kept tabs on him. They drove him in a car with a telephone so he could keep in constant touch with the Attorney General in Washington.

The first thing he reported to the Attorney General was that the white leaders literally did not know what the Negroes were demonstrating for. There was no communication whatever.

Then he called on the Negro leaders to find out their demands. He had been warned some weeks before, by an aide

of Martin Luther King, the Atlanta Negro leader, that demonstrations were in prospect. He urged the King forces to wait until a Birmingham court decision, scheduled for May 16 on the new city administration, was handed down. He was told they had waited long enough.

The demands turned out to be relatively simple. The Negroes wanted integration of six department store lunch counters, a bi-racial committee on race problems and promise of employment opportunities.

Mr. Marshall consulted the department store owners. They knew the trouble was bad for business, bad for Birmingham, bad for the country, but they did not want to accede to Negro demands for fear of alienating their white customers.

If they took the chance, they needed help. The backing of what the Attorney General calls "the people who really run Birmingham."

Mr. Marshall had with him a list of the 75 senior and affluent citizens who made up the racial problems committee of the Birmingham Chamber of Commerce which, in the year of its existence, never talked to a single Negro. He began hunting them down. Some he knew. Others he knew might be responsive to a telephone call from Washington.

Attorney General Kennedy called up several. A few South Carolina legislators, who would deny it all, national and state, helped out. Treasury Secretary Dillon took care of the bankers. National heads of chain stores were called up. Their branch managers called up their branch managers. Deputy Attorney General Nicholas Katzenbach, not in touch with some Princeton touch with some Princeton classmates.

Mr. Marshall on Saturday began a round of meetings that were to occupy him for the next four days. First he met with a little group of white businessmen. He reported what the Negroes were asking for. Then he met with the local Negro

leaders. Then he set up a negotiating session between representatives of both groups. Then he reported their progress to Martin Luther King, whose presence was furiously resented as "an outside agitator" by the white businessmen. Dr. King was excluded from all but one

The breakthrough came on Tuesday night at 8 p.m. After a four-hour meeting in the Chamber of Commerce with the top executives of the news papers, the bank, the insurance companies, the department stores and the hotels, Mr. Marshall put on the phone to the Attorney General.

"The meeting of all the business leaders," he said, "now it is held with the Negroes. We've over the hump. They've had a hell of a day. They're tired."

He called Mr. Marshall. He said the business leaders were ready to accept the details. The department store owners agreed to expand the lunch counters. He was prevailed upon to accept his mind. Arrangements were worked out for the release of the prisoners. Hallway cleaning was a later item.

Wednesday afternoon at 1 p.m. conditions were peaceful. The Attorney General had his orders.

The Federal government, the Mayor of Birmingham, the state government, the national and state legislators, who would deny it all, national and state, helped out. Treasury Secretary Dillon took care of the bankers. National heads of chain stores were called up. Their branch managers called up their branch managers. Deputy Attorney General Nicholas Katzenbach, not in touch with some Princeton touch with some Princeton classmates.

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MAY 12 1963

Southland Assessing Birmingham Accord

By PAUL HOPE
Star Staff Writer

BIRMINGHAM, Ala., May 11.—The dramatic action which cracked a segregation stronghold here this week is being assessed across the Southland by whites and Negroes alike.

And although the extent to which racial barriers will fall here cannot yet be determined, one thing is clear: It was a real victory in principle for the Negro and that appears certain to spur direct-action tactics by Negroes in other cities of the Deep South.

Already, the leader of the Albany (Ga.) movement has announced that the Rev. Martin Luther King, Jr., will soon return to Albany, scene of continuing racial protests with so far little success for the Negroes.

In announcing the agreement which ended the month-long racial strife in Birmingham,

Mr. King—mastermind of the massive demonstrations here—said the Birmingham technique probably would be used elsewhere.

Ironie Note Seen

It was a technique of Negroes subjecting themselves to mass arrests by violating a local ordinance—in this case an ordinance against parading without a permit. Ironically, the ordinance the Negroes violated was passed many years ago to stop demonstrations by Ku Klux Klan members.

The "non-violent" demonstrations lasted more than a month, finally reaching the point where thousands of Negroes were pushing daily against cordons of police in attempts to get from the Negro areas into downtown.

With the jails bulging, the police resorted to use of dogs

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and high-pressure streams of water from fire hoses to hold back the demonstrators. The Governor rushed in hundreds of State troops.

With the city a powder keg, a group of white civic and business leaders, prodded by the Kennedy administration in Washington began negotiating with the Negroes to end the strife.

After three days of negotiations during a shaky truce, an agreement was announced by the Negroes yesterday and further demonstrations were called off.

The Negroes didn't get all they wanted but they got major concessions from the white population and the city won peace.

Mr. King and the other Negro leaders said the settlement called for desegregation of lunch counters and other facilities in downtown stores, the ending of Negroes for the better jobs that had been denied them, and an agreement to continue bi-racial talks.

Providing the white negotiators can deliver, this is a considerable gain for the Negro in this Southern city which has firmly resisted lowering of racial bars.

Negotiations Unofficial

franked but by white civic and business leaders who were negotiating primarily from fear—that real violence would flare if tensions were allowed to continue to build.

The leader of the white negotiators said after the agreement was announced:

"We were caught in an emergency and forced to act upon the following information:

from our law enforcement agencies that a situation had been created which could erupt in a holocaust should a spark be struck."

The agreement by no means can be interpreted as an end to racial discord in Birmingham or in Alabama.

Negroes Seek Court Order

Negroes are pushing for public school desegregation in the city and hope to win a court order to integrate this fall, a situation which could lead to new tensions.

There is no school integration at any level in Alabama and a Federal-State showdown is expected this summer over Negro efforts to integrate the summer school at the Huntville branch of the University of Alabama.

Gov. Wallace has pledged to resist school desegregation with all his power.

There may even be further demonstrations before then if Negroes in Birmingham are not satisfied with the progress under the plan agreed on yesterday.

The agreement has no official sanction since the white negotiators stepped in at a time when two rival administrations were fighting for control of City Hall.

Both factions are sitting side by side in Birmingham's \$1 million, debt-free City Hall with its walls spicily marked "white" and "colored." One faction is segregationist. The

other apparently is willing to make some accommodation to the Negro demands but is hesitant to say much publicly, at least until the court suit over who is running City Hall is settled next month.

Integrationists say a true victory for the Negro may not have been in how many of his race will be allowed to sit immediately at Birmingham lunch counters or to serve as store clerks. It may lie rather in the fact that he won concessions on principle in a citadel of white resistance, a development that could have significant effect throughout the South.

King, Riding Racial Tide, Needs Crises

By CHARLES BARTLETT
Star Special Writer

The agitation in Birmingham has afforded the Nation a graphic lesson in the extent to which control of the Negroes drive for equality has slipped into impatient hands that are more concerned with dramatic impact than the logic of timing.

The need for mass demonstrations might not have been totally averted if the Negroes in Birmingham had waited for the new city administration under Mayor Albert Bourgeois to assume authority. But the nature of the new official makes it certain that the confrontation would have been considerably less unpleasant.

The April 2 election in Birmingham was a revolution in itself more significant than any chance likely to develop from the demonstrations. An aroused citizenry, abetted by a transportation strike which kept many of the poorer and more embittered whites from the polls, swept the redneck city hierarchy led by Police Commissioner Eugene "Bull" Connor out of power. Transitional forces anxious for a new and better day in Birmingham had at last gained the ascendancy.

Martin Luther King moved into Birmingham on the crest of this new era with the obvious purpose of letting himself against the old order before it disappeared from view. He could count on Commissioner Connor's being even more stubborn and defiant as a lame duck than he had been as a well-entrenched official.

King Won Mass Motivation

Mr. King did not have the support of the Negro leadership in Birmingham in this timing. He invoked the older generation by attracting the impatient young and the crowd which assembled to cheer him in the early stages were moved by a heavy proportion of youngsters below 17. But as the kids became active in the mobs and the fever rose their parents were inevitably drawn into action.

The circumstances behind Mr. King's motivation in this timing derive from a competitive struggle for the leadership of the Negroes' equality movement. Only 34 and a national figure, Mr. King has earned his stature and support from crisis and he must have crisis to sustain them. He had two recent failures in Albany, Ga., and Mississippi and his money supply, heavily dependent upon Nelson Rockefeller and New York support, had dwindled. At all costs he must maintain his image as a striking force and while still engaged in Birmingham, his strategists are reportedly planning a similar foray into Jackson, Miss.

The younger generation of Negroes, like all younger generations obsessed by a cause, is impatient. This impatience is heightened by an awareness that while the Negro has been making important gains on the legal and social front, he has been losing ground in his quest for economic enhancement. Unemployment hit hardest at Negroes, the gap between white and Negro earnings has been widening, and an estimated 50 per cent of unskilled Negroes have been unemployed for substantial periods since 1958.

Moderate Negroes Derided

A number of groups are struggling to ride the wave of this impatience. Mr. King and his Southern Leadership Conference, James Farmer and his Congress on Racial Equality, the Student Non-violent Coordinating Committee, Malcolm X and his Black Muslims. Each group is vying with the other, and the atmosphere is accented by opportunists like Adam Clayton Powell. Moderates are derided as "Uncle Toms" at a time when most Negroes would rather be called a Communist than an Uncle Tom.

The quickening mood was reflected at Mayor Wagner's sympathy rally in New York on Wednesday. Roy Wilkins of the NAACP, a level-headed figure whose organization has

long pressed for equality through legal negotiations and consultation on a broad front, drew only mild applause from the crowd, which cried hoarsely for Malcolm X, who had not been given the dignity of a place on the platform.

These striking forces operate with maximum effect in the local vacuums which exist where there is no communication between the white and Negro leaders. Burke Marshall of the Justice Department found on arriving in Birmingham that the Negroes were not in negotiating contact with any elements of the white community and that the latter was not even clear on exactly what it was the Negroes wanted.

If these vacuums persist, the

crisis leaders will strike at them in turn with the vehemence displayed in Birmingham. The moderate leadership of the Negro movement knows that the Negroes have only their moral weight to bargain with and if they throw that away, as they did in fact by the timing of the move in Birmingham, they have nothing left but the weight of their numbers.

But these moderates cannot hope to control the nature of the movement in any place where they are denied the opportunity of negotiating as responsible citizens toward their objective of equal treatment.

NEWS LOG'S NOTES

President Duvalier of Haiti is pictured by a recent visitor as

to Exploit

determined to hold his office to the death. He has two revolvers on his desk and one is a .38-calibre of solid gold. He says there is a gold bullet inside and that if the time comes when resistance is hopeless, he will kill himself with it. He recalls that King Christophe killed himself in 1820 with a silver bullet. "When I go," he says, "I'm going to go in gold."

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Marine Corps politics are lively with competition to succeed Gen. David M. Shoup, whose term as Commandant expires next December. One group, including former Commandant Lemuel C. Shepherd, is pushing Maj. Gen. Victor Krulak, who knew the President in the Solomons during

the war. Another focus of support is Lt. Gen. Wallace M. Greene, who is Shoup's Chief of Staff. Another popular choice is Maj. Gen. Richard Mangrum, who commands the Second Marine Air Wing at Cherry Point.

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Some of the technical people in NASA are increasingly reactive over interference by the "Iron Mafia," in the White House and the Democratic National Committee, in reversing their judgments on contract awards. Similar resentment over this interference, which took a contract away from Arkansas recently, is part of the motivation in Senator McClellan's determined effort against the TFX award.

5/11/68

Negro Leaders Hail Racial Pact Ending Crisis in Birmingham

Two Concessions On Desegregation And Jobs Made

By PAUL HOPE

BIRMINGHAM Ala., May 11. — Birmingham's massive racial demonstrations have ended with an agreement which Negro leaders here hailed as the most significant victory they have won in the South.

Announcement of the settlement was made late yesterday by Negro Leader Martin Luther King, Jr., after three days of negotiations with a group of white business and civic leaders.

While the Negroes were hailed as the actual extent of victory cannot be determined yet. It depends on whether the concessions the Negro leaders obtained are followed through by the white community which controls the political and economic structure.

Breakthroughs Seen

The two most significant breakthroughs, according to terms announced by Negro leaders, were:

1. Desegregation of lunch counters, restrooms, fitting rooms and drinking fountains within 90 days at downtown department and variety stores.
2. The upgrading and hiring of Negroes on a non-discriminatory basis throughout the business and industrial community. This includes the hiring within 60 days of Negroes as clerks and salesmen in stores and the appointment of a committee of business leaders to speed the hiring of Negroes in other jobs previously denied them.

The Negroes had to modify two other demands, one of which was almost abandoned entirely.

Prisoners on Issue

This was a request that charges against all of about 2,000 Negroes arrested during the month-long demonstrations be dropped. This was not done. But the white negotiators apparently agreed to recommend to city officials something along this line. All those still in jail were released yesterday after Negro leaders arranged for their bonds, which amounted to nearly \$250,000.

The fourth demand called for establishment of a bi-racial commission to work toward solutions of community problems, particularly to recommend a timetable for desegregation of public schools. On this, the Negroes won an agreement that the white group will sit down with Negroes in the future to discuss mutual problems.

Mr. King, the guiding hand behind the Negro demonstrations, said at a press conference announcing the settlement that the Negroes "have come today to the climax of a long struggle for justice, freedom and human dignity in the city of Birmingham."

Sees a Pattern

He said the Birmingham technique of Negroes subjecting themselves to mass arrests probably will be used elsewhere in the South.

Recognizing that the agreement must still be put to the

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RACIAL

Negro Leaders Hail Birmingham Accord

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test, Mr. King called it the climax "and not the end" of the struggle.

"For though we have come a long way," there is still a strenuous path before us, and some of it is yet uncharted," he said.

He said he will remain in Birmingham perhaps two more weeks to help plan implementation of the agreement.

He said Negroes will not begin testing the agreement until both the Negro and white communities have had time to get used to it.

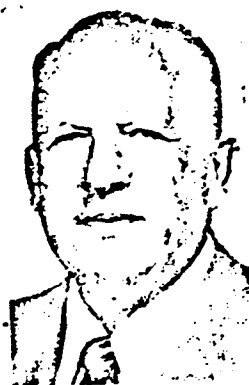
The Rev. Fred Shuttlesworth, another of the three ministers who led the movement, warned that demonstrations would be renewed if the white citizens do not hold up their end of the bargain.

Becomes Ill

Mr. Shuttlesworth, who was injured when knocked down by a fire hose during the demonstration, became ill during the press conference and was returned to a hospital.

Mr. King credited Burke Marshall, Assistant United States Attorney General, with bringing the Negro and white leaders together for negotiation. He criticized President Kennedy for not doing more to end segregation.

"We feel there is still more that can be done by the President in working with the root of the problem," Mr. King said. "The time has come for the President to sign an executive order declaring segregation illegal."



SIDNEY W. SMYER
AP Wirephoto

He also said the Justice Department should protect the Negroes from arrest for seeking their constitutional rights.

"If the President had played the role he should have since he has been in office, it would not have been necessary for Marshall to come to Birmingham," said the Rev. Ralph D. Abernathy, one of the demonstration leaders.

Registration Drive

Mr. Abernathy announced that those who participated in the demonstrations now will begin a massive drive to get Negroes to register to vote. He said they hoped to double the Negro registration within a few months.

On behalf of the white negotiators, Sidney Smyer, former president of the Chamber of Commerce, issued a statement

calling on all citizens to do "nothing which would destroy" the peace.

He said the task of his group was neither "pleasant nor easy" but was undertaken to "avoid a dangerous and imminent explosion." He said the white negotiators represented 80 per cent of the working force of Birmingham, both white and Negro.

Segregationist Police Commissioner Eugene (Bull) Connor, whose use of police dogs and fire hoses on demonstrating Negroes drew world-wide attention to Birmingham, declared that the Negroes "didn't win a thing."

Predicts Shutdowns

He predicted that lunch counters opened to Negroes would soon be shut down because whites wouldn't patronize them. He called Mr. King's announcement a "face-saving statement" because he knew he was licked—we had the force to stop them."

Segregationist Arthur J. Hanes, one of the city's two mayors, called the agreement a "surrender by weak-kneed merchants" and said it "means nothing."

The other mayor, Albert Boutwell, who was elected last month but hasn't been able to take over because of a court fight by the Connor-Hanes forces, was taking a cautious approach. He repeated an earlier statement that he had made no commitments to the negotiators, but he said he would use his office to "promote peace and good will."

On Civil Rights Road

Accord in Birmingham Is Viewed as Milestone

By Robert E. Baker
Staff Reporter

The Birmingham accord which ended five weeks of Negro demonstrations is a real milestone for the civil rights movement in the South.

It re-invigorated the non-violent protest movement, lifted its leader, the Rev. Dr. Martin Luther King Jr., to new prestige and set the stage for similar demonstrations elsewhere in the South.

The white business community flexed its muscles a bit in the face of stern state defiance and, perhaps, thereby helped Alabama and Birmingham adjust to imminent school desegregation.

The Kennedy Administration entered the game in the late hours and pulled out an ace called conciliation. It vindicated the Administration's approach—this time.

The breakthrough in race

relations in Birmingham is of symbolic importance because it came in a city notorious to Negroes as the heart of segregation. But it was more than symbolic.

Since the Montgomery bus boycott in 1955, the non-violent protest movement under Dr. King has periodically picked up steam and then lost it.

He came into Birmingham this time with the failure of Albany, Ga., behind him. But he emerged with victory and prestige, firmly in the

Time of 48 hours called in Nashville by leaders of anti-segregation demonstrations. Page A8

United States files suit for release of 5 Negroes jailed in Mississippi. Page A4

Much of Birmingham's Negro community was hesitant at first in giving support to the anti-segregation drive. Page E1

leadership not only of the liberal whites but of the Negro masses.

The Negro leaders didn't heed the warning of white moderates and liberals that the demonstrations were ill-timed and that the newly elected city government should be given a chance. This showed that the Negro is becoming increasingly dissatisfied with the white man's pace in race relations.

Nothing succeeds like success. The mass demonstrations in Birmingham most probably will be copied in other cities. The growing protests in Nashville and Raleigh have started. There are not Deep South cities, progress has been made, but it hasn't been fast enough for the Negroes.

Besides thorough planning, Dr. King used a new effective weapon in Birmingham: teenage kids. Previously, protest leaders kept the youngsters

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RIGHTS—From Page A1

Birmingham Accord Hailed as a Milestone

out of the demonstrations. This time, youngsters were encouraged and recruited and filled the jails. This united the Negro community — and helped soften the white community which objected to the use of police dogs and firehoses on children.

Dr. King has promised to use youngsters in the future. This technique carries an added responsibility because it means that demonstrations will be less controllable and, with youthful exuberance, more volatile.

Moderates in Birmingham had been under way long before the demonstrations. City and Jefferson County voters supported moderate Ryan de Grafton in the gubernatorial race against avowed segregationist George C. Wallace. White moderates supported a change in city government last year and, with Negro help, elected a moderate mayor and council last month. The daily newspapers changed their defiant posture to moderation many months ago.

The business community long has wanted to accommodate itself to Negro grievances. But, although negotiations had been going on for months, it wasn't until the recent demonstrations that the business community flexed its economic muscles by which it settles issues in the South.

A Precedent, Maybe. Now that it has used its influence, the power structure may have established a precedent for negotiation and peaceful settlement that will stand the State and city in good stead when school desegregation is ordered by the Federal courts.

For the Kennedy Administration, the Birmingham accord represents a victory for talk and conciliation and a defeat for the militants who have been urging harder Reconstruction-type pressure from the Federal Government.

Those who were criticizing the Administration for its gingerly approach to racial controversies as recently as a week ago are now praising it. The success of the Birmingham role of the Federal Government may encourage the Administration in the future to try conciliation in advance and not, as in Birmingham, wait until the fuse is lit.

The Birmingham situation presented an appropriate situation for Federal mediation. Moderates had already been mobilized and the Negro demonstrations constituted a tremendous pressure for settlement. In addition, there was no city government in control. The Kennedy Administration served as a catalyst for agreement.

But whether this situation will be presented elsewhere in the future is a question. A white community, solid in defiance of both government and business, would pose quite another problem.

Already Under Way

Indeed, a bigger confrontation is already under way. There can be no question that the Birmingham accord is a severe blow to Governor Wallace, who has vowed to go to jail rather than tolerate school desegregation. A showdown is expected in June at the University of Alabama branch in Huntsville.

The Federal Government could mediate between Negroes and the power structure of leaderless Birmingham, but Wallace can wield defiance through the State's legal and governmental structure that can make conciliation efforts useless. The wild white racists, who kept off the streets of Birmingham, may see in Wallace the leader they missed in Birmingham.

Few persons see, in the Birmingham accord, the public of race relations in Alabama

MAY 11, 1968

WASHINGTON POST-TRIBUNE HERALD

Accord Ends Birmingham Crisis

Prisoners' Release Agreed on

Downtown Stores To Be Desegregated; Negro Jobs to Open

BIRMINGHAM, Ala. — May 10 (UPI) — White and Negro negotiators reached an agreement today that broke the back of the current racial crisis here.

The agreement capped five weeks of racial demonstrations that brought the arrest of 2,200 Negroes.

A 6-man biracial committee of three whites and three Negroes worked out the accord.

It provided for desegregation of lunch counters, restrooms, and drinking fountains at downtown department and variety stores in stages during the next 90 days; upgrading of job opportunities to begin within the next 60 days; release of racial prisoners under bond, and setting up within two weeks of "communications" between Negroes and the Senior Citizens Committee, Birmingham's most influential business group.

The agreement was first announced by the Revs. Fred Shuttlesworth, Ralph Abernethy and Martin Luther King Jr., the man who gave Birmingham the title of the Nation's most segregated big city.

White and Negro leaders hailed the pact.

Sidney Smyer, the only white member of the group who has been identified, said whites must realize the agreement was necessary to "avoid a dangerous and imminent explosion."

"We are pleased and greatly relieved of course that peace and order has been restored to our city," he said.

Although the city of Birmingham itself was not a party to the agreement, Dr. King said, he was "confident" authorities would abide by the pact.

"The political power structure always responds to the economic power structure," he said.

Smyer, in his statement, pointed out that "our committee is broadly representative of our city's leadership... it represents the employers of perhaps 80 per cent of the working force of Birmingham — white and colored."

The city recently voted to switch from a 3-commissioner form of government to a mayor-council form, but the commissioners have refused to give up their offices on grounds their terms have not expired. The dispute currently is before the Alabama Supreme Court.

One of the officials affected by the change is Eugene (Bull) Connor, Connor, as head of the police and fire department.

See ALABAMA, A1, Col. 1

ALABAMA—From Page A1

Birmingham Crisis Ended by Full Pact

ments, led the forces that turned fire hoses and police dogs on the demonstrators.

"They didn't gain a thing," Connor said today when told of the agreement that the Negroes announced.

There could be no denying, however, that announcement of the agreement had a calming effect on the city.

This evening after Dr. King's news conference only five traffic patrolmen could be seen in the Negro section where two days ago hundreds of highway patrolmen lined up six feet apart to form a human wall between the white and Negro groups.

The statement drew an angry blast from Mayor Art Hanes, another member of the government that was voted out. Hanes' statement said in part:

"The only thing I'd say is capitulation by certain weakened white people under threats of violence by the rabble rousing Negro King has encouraged him greatly to move to another area and upset some other fine city."

All concerned with the agreement conceded it was no magic key and that there were still problems, but the consensus was that a good start had been made.

The thorniest obstacle during the negotiations was the question of how to handle the release of the racial prisoners

that were still being held this morning. Their release had been one of Dr. King's conditions.

First indication that this matter finally had been resolved came about 2 p. m. when it was announced that a bonding firm had put up \$237,000 — enough to obtain the release of 700 demonstrators at \$340 each. Police began processing their release immediately.

[The Chicago Daily News Service reported that A. G. Gaston Sr., 70, a Negro millionaire, "rounded up about \$160,000 to help secure the release of demonstrators."]

Dr. King read the statement announcing the agreement at a crowded news conference. He was interrupted several times by cheers.

But he told his people:

"We must evidence calm dignity, wise restraint and emotion must not run wild."

"Violence must not come from any of us, and if we become victimized with violent act or intent, the pending daybreak of progress will be transformed into a gloomy midnight of retrogress."

He said Negroes using public facilities previously closed to them "must not be overbearing and haughty in spirit."

Dr. King referred to the agreement as "clearly the moment of great victory," and credited it to another leader, the Rev. Shuttlesworth and the more than 2,200 Negroes who went to jail.

MAY 11 1955

Moderation on Both Sides

How Patience and Persistence Sealed Birmingham Race Crisis

By James E. Clayton
Staff Reporter

This is the story of how the settlement in Birmingham's racial crisis was reached.

It is a story of patience and persistence turning emotional violence into peace. It is a story of how long hours of conversation averted what national leaders feared would be the worst racial clash in the Nation's history.

As pieced together from sources in Birmingham, Washington and New York, the story begins a week ago when Assistant Attorney General Burke Marshall was dispatched to the South.

Marshall, a quiet, soft-spoken man, was welcomed by Negro and white leaders alike. Even then, both sides wanted a way out of the tense situation and Marshall looked like the man who might be able to arrange it.

Marshall had already discovered that almost no one

in Birmingham knew why the Negroes were demonstrating although they had been in the streets for a month.

The white leaders, both moderates and arch-segregationists, resented the demonstrations and blamed them on "outsiders," mainly the Rev. Dr. Martin Luther King. The Negroes would calm down, they said, if only the outsiders would leave town.

The Negro demonstrators were not quite sure what the

demonstrations were all about. Were they a general protest against segregation? A complaint about the policies of specific stores? A protest against Police Commissioner Eugene "Bull" Connor?

The first barriers that Marshall had to surmount were to get Negro leaders to list their demands and to get from moderate white leaders a realization that the desires were real.

The Negro leaders quickly produced their list—better job opportunities, desegregation of downtown facilities, a biracial committee for future desegregation, and the dismissal of charges against the demonstrators.

The white leaders spent hours telling Marshall in emotional terms about the outside agitators. He kept telling them the Negro demands were not terribly outrageous and were certainly justified in a city known to Negroes as "Burning Hell."

Once past these barriers, the negotiations began to move. Marshall met with executives of the stores involved with a committee of local Negro leaders, with growing groups of Birmingham businessmen.

The Negroes, particularly the Rev. Fred Shuttlesworth, were skeptical. They said the whites had made an agreement about desegregation months ago and failed to keep it. The white leaders

See TALKS, A1, Col. 4

Stassen May Run In New Hampshire

ST. PAUL, May 10 (AP)—Former Minnesota Gov. Harold E. Stassen told a news conference yesterday he may be a candidate in the New Hampshire presidential primary "and in other state primary contests if all goes well in New Hampshire."

Stassen, 56, now a Philadelphia lawyer, addressed the annual meeting of the Minnesota Historical Society.

Stassen, Governor of Minnesota in 1939-43, later was president of the University of Pennsylvania and President Eisenhower's disarmament adviser. He unsuccessfully sought the Republican nomination for President in 1948 and 1952.

Patience, Moderation Mark Alabama Accord

said no such agreement was reached. Marshall said that wasn't the problem; the problem was what was going on.

Eventually, the Negro leaders got past their anger just as the white leaders had gotten past their feeling about outside agitators. Some of the white leaders began to accept Marshall's arguments that the Negroes had justifiable complaints.

Of other white leaders, Marshall asked what the alternative to accepting at least some of the demands was. The only alternative he could see was to stand and fight for segregation and, in doing so, to bring violence and economic ruin to Birmingham.

New Problems

As the businessmen began to accept one or the other of Marshall's arguments, two new problems arose. One was that local store executives wanted the backing of their national chains before they desegregated. The other was that they needed the support of the city's most powerful financial and business leaders.

At this point, the scene changed to Washington. Attorney General Robert F. Kennedy and other national leaders such as Secretary of the Treasury Douglas Dillon got on the telephone. They talked to top executives of the chains and to top executives of the national companies with plants in Birmingham. Rorer Blough, chairman of the board of U. S. Steel, was urged to insist his executives in Birmingham get behind desegregation.

By Tuesday morning, a package settlement was ready. The power structure of Birmingham had had enough. The newspapers, the bankers, the industrialists all wanted a settlement, even if the settlement meant desegregation. They feared the demonstrations were almost out of control and would bring violence, the Alabama National Guard, and Gov. George C. Wallace to Birmingham. The white businessmen wanted none of these things.

Snags Develop

But fragmentation in the Negro leadership held the settlement up. Negotiating for the Negroes had been a small group of local leaders, many racial moderates, just as most of the white leaders involved were moderates. These leaders wanted the package accepted.

But Rev. Shuttleworth,

whose Alabama Movement for Human Rights had spearheaded the demonstrations, wanted the concessions to come from the "old" city government and particularly Connor. This was something the white businessmen could not arrange. They had been fed up with Connor for a year and Connor attributed his political defeats to them. The "new" city government, not yet in power, was immobilized.

As the talks continued, Tuesday's demonstration turned into the largest yet. Fear began to spread among leaders on both sides. Another day, the white leaders thought, and the National Guard would be there.

King Accepts

Dr. King, who had stayed out of the actual negotiating sessions, then told the Justice Department he would accept the package. But Mr. Shuttleworth was in the hospital with injuries sustained in a demonstration.

Wednesday morning, Dr. King presented the package to Mr. Shuttleworth. A scheduled press conference was delayed two hours while the men talked. When they came out, Dr. King was downcast and Mr. Shuttleworth said negotiations would continue while the demonstrations were canceled for 24 hours.

Dr. King then called President Kennedy and the President said at his news conference that a truce had been reached. Mr. Shuttleworth said later that this was the first he had heard of a truce.

That evening, as Marshall worked with both sides in closed sessions, word spread in the Negro community that Mr. Shuttleworth would lead new marches.

Timetable Set

But before they could get under way, Mr. Shuttleworth had won on two of his demands. A timetable was added to spell out dates for desegregating lunch counters downtown and for desegregating hiring policies. The demonstrations were ended.

The tension then began to break. The Negro moderates began to raise bail money and Marshall headed back to Washington.

The arch-segregationists in Alabama saw what had happened as a tragedy. The Negro extremists saw it as a sell-out. The moderates on both sides told Attorney General Kennedy that without Marshall's trip a solution would have been impossible.

Rights Troubleshooter Works Both



United Press International
BURKE MARSHALL
... mediator in Birmingham

By James E. Clayton
Staff Reporter

You can almost always tell in the Department of Justice when a critical civil rights problem is developing. Walking slowly up the long hall to the Attorney General's office will come a frail-looking man with his coat slung over his shoulder.

The man, Burke Marshall, will disappear into the office of Robert F. Kennedy, toss his coat on a chair, drape a leg over the arm of another chair and begin, "Bob, we have a problem in —"

The soft, creaky voice will go on until the two men decide what the Federal Government will do.

For the last week, that same man, who is far tougher

Burke Marshall Appears Shy; He Isn't—Can Be Tough

er than he looks, has been the basic means of communications between Negroes and whites in Birmingham.

Presence Quickly Hailed

Although Marshall and the Federal Government lacked any legal authority to act in Birmingham, his presence was quickly, almost eagerly, hailed by Negroes and whites.

Leaders of both races across the South know from past experience that they have their problems and their feelings to Marshall without fear that anyone else will ever hear of them. He is one of the tightest-

mouthered men in government today.

As the Assistant Attorney General in charge of the Civil Rights Division, Marshall has been a key man in every desegregation problem in the South in the last two years. In the ones that hit the headlines—Birmingham, Montgomery, Oxford, Albany, Macomb, New Orleans—Marshall was either on the scene or at the elbow of Robert Kennedy in Washington.

In others, the 40-year-old Marshall has been the man behind the scenes. In 1961, for example, he visited dozens of Southern cities and

talked about calm acceptance of school desegregation with public officials and private citizens. That fall, desegregation came in many of those cities without trouble.

Phone Calls Effective

In Birmingham once, Marshall got off an airplane and discovered that the airport was still segregated. Before the plane took off, with Marshall aboard, a few telephone calls had brought a promise that it would be desegregated quickly.

To more than one white leader who had looked upon the Kennedy Administration as being dogmatic in its approach to civil rights and violent in its actions, Marshall has come as a surprise.

His approach has been soft and reasonable, but persistent. One of his associates describes him as having the best analytical mind in the Justice Department.

"He takes every problem apart and breaks it into its smallest components," the associate said. "Then he tries to find the best solution."

To those, both Negroes and whites, who take unyielding positions, Marshall is likely to say, "Well, now, let's talk about it. What do you really mean?"

His job now is quite different from the one he had before early 1961 when Kennedy picked him primarily on his reputation as a good lawyer, to sit in the Justice Department's hottest seat.

A partner in Covington and Burling of Washington and a specialist in antitrust law, Marshall had not been openly active in political or civil matters. He brought to his new job, however, a passionate belief in equal rights and the desire to find solutions that would bring progress without violence.

His manner is so quiet that many think he is shy.

But one of his former partners once said, "He is the opposite of shy. He has so much inner assurance that he can be quiet when he has nothing to say and not care what others say about him. He can just sit there and look at you for 20 minutes. Most lawyers feel they have to say something to look good, but not Burke."

MAY 11 1963

Settlement In Alabama Is Praised

By Louis G. Panos
Associated Press

The key Federal official in attempts to settle the Birmingham racial crisis said last night white and Negro leaders there have taken "a tremendous step forward."

Assistant Attorney General Burke Marshall, chief of the Justice Department's Civil Rights Division, offered this appraisal shortly after his return from the crisis-ridden Alabama metropolis.

Attorney General Robert F. Kennedy credited Marshall with setting the stage for meetings at which at least a temporary settlement of the Birmingham civil rights controversy was reached.

The Attorney General said other cities with racial problems and the Nation at large would do well to study the efforts of Birmingham community leaders of both races to settle their differences.

"All of us in all sections of the country," said Kennedy, "have a great lesson to learn, and (this is) the importance of getting a dialogue going between people in the North and the South."

Talks in Birmingham Pushed by Negroes

Concessions Won in Truce Bargaining

BULLETIN

BIRMINGHAM, Ala. (AP). —Prospects brightened this morning for an agreement that could lead to resolving racial difficulties here. The Rev. Wyatt Tee Walker, an associate of Dr. Martin Luther King, Jr., said "the mechanics for releasing the prisoners is in process." Another leader, the Rev. Andrew Young, said the bulk of the demonstrators being held in jail apparently would be released today.

By PAUL HOPE

Star Staff Writer

BIRMINGHAM, May 10 — Birmingham Negroes appear to have won some major concessions in their fight to break down racial barriers here, but no one today was predicting that the massive freedom demonstrations are over.

The Wednesday truce which calmed the riotous city still was in effect as Negro leaders prepared for another bargaining session with white civic and business leaders.

Even as the business community was preparing to give in gradually to some of the Negro demands, white segregationists were starting a new move to try to hold on to the reins of city government.

Gun Calling Shots

Arthur J. Hanes, conservative mayor who won't give up his post despite the election of another mayor regarded as more moderate, said his side has started a petition movement aimed at overturning the city's new form of government.

Mr. Hanes and hard-fisted Police Commissioner Eugene "Bull" Connor—who also is supposed to be out of office but isn't—are still calling the shots at City Hall.

The confused governmental situation has been a stumbling block in negotiations. But even so the Negroes claim they have made substantial progress toward a settlement of the racial discord.

After a day of conflicting reports, the Rev. Martin Luther King, Jr., said last midnight that "things are about worked out but there are still some last-minute problems to be dealt with."

Earlier yesterday, Mr. King announced that agreements had been reached to desegregate lunch counters, sitting rooms and rest rooms at downtown stores, and to provide for more Negro employment in the stores.

He said negotiations were still continuing on two other demands—that charges be dropped against the hundreds of Negroes arrested during the demonstrations and that a bi-racial organization be formed to draw up a suggested timetable for school desegregation.

Negotiation's Secret

It was reported last night after a second negotiating session that some progress had been made on the latter two demands, but Negro sources said they were some distance from settlement.

The negotiations have been

See RACIAL, Page A-6

Won't Budge

Another Negro leader, the Rev. Ralph D. Abernathy, did not appear quite so optimistic. He told an overflow audience at a Negro church last night that Negro leaders will go into a "final negotiating session" today to see if the white negotiators "mean business."

Mr. Abernathy, one of three ministers on the Negro negotiating team, told the chanting, hymn-singing group that "we're not going to stop short of a single one" of the demands the Negroes have made to end the demonstrations.

He said demonstrators will be ready with "walking shoes" if negotiations break down, and the demonstrations would be "larger than before."

RACIAL

Concessions Made, Truce Talks Go On

Continued From Page A-1

carried on secretly. Until last night, none of the names of the white negotiators was known publicly.

Sidney W. Sawyer, former president of the Birmingham Chamber of Commerce, revealed that he is chairman of the white group. He said the group had several meetings with Negro leaders since Tuesday and are still trying to work out agreement which will assure tranquility with some degree of permanency.

"It is our hope," he said, "that talks now being held from time to time will result in the formation of a larger committee that will be able to meet with representative Negroes of our community in the hope of solving many a problem which confront us."

Economic Influence

Since the white negotiating team has no sanction from city officials, it could not possibly do anything about dropping the police charges.

Mr. King said that he wants the white negotiators to recommend to city officials that charges be dropped, but he has not made it clear whether that would be enough to call off the dogs.

Mr. King said that he realized the merchants do not have the power to drop the charges, but he said that the "economic power structure can sometimes influence the political power on charges of parading without a permit."

"I would expect that at least one for the two rival city governments would not stand on their backs of history and in hold back the tide," said King.

But Mr. King's optimism with respect to co-operation with the city government may be a little premature. Both factions issued statements last night saying they had nothing to do with the negotiations and had made no commitments.

Hit by New Mayor

Alfred Burrill, the new mayor who has been widely reported as favoring an accommodation with the Negroes,

wrote out the remaining three years of their terms despite the election April 2 of a new mayor and council.

The suit is scheduled to be heard May 10 by the State Supreme Court.

Mr. Hanes said his side is circulating petitions calling for a new election to change the form of government back to the old mayor-commissioner setup. But white moderates that has drawn the move to the Hanes-Conner reelection at this move. They claim there isn't enough support for a reversal and they also say it couldn't be done legally for at least two years.

Beaten, Says Comedian

Yesterday, Negro comedian Dick Gregory, who has been showing up at racial hot spots in the South lately, was beaten out of jail here and promptly

climbed he was beaten by five policemen while being held behind bars.

At first he said at a news conference that his right arm was hurt. Later, when asked to show the marks, he pulled up

his shirt and showed that he said his right arm was the one hurt. He said he had a sore right shoulder. It appeared that his left forearm may have been slightly swollen, but there was no sound. He said he had been beaten with billyclubs, a hammer and a sawed-off pool stick.

Mr. Gregory, who was jailed on charges of parading without a permit, said it was 24 hours before he got anything to eat.

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'MARCHING SHOES' ON

Uneasy Birmingham Quiet

BIRMINGHAM, Ala. (AP) — There is no question the Negroes are prepared to resume demonstrations if they in an Albany, Ga., jail during the trial of demonstrators there.

The police do not know how many there were more than 1,000 Negroes ready to march on the downtown section of the city at any moment they got the word from their leaders. They

last night, Negroes gathered at a church to listen to a sermon by the ministers to the fight for freedom.

And in City Hall, the mob was away. Mr. Hanes sat in his office while the day and delivered a speech to the Negroes before long.

In the middle of the night, white merchants and the Department added a note to seek out a peaceful racial differences from the tensions erupt into violence.

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See RACIAL, Page A-6

TOWN

Rabbi Leads Negroes In Brotherhood Song

Continued From Page A-1 Declared he wouldn't budge an inch. Birmingham," the fiery preacher declared.

And, as they have done for many nights in Birmingham, every Negro lined up to deposit a contribution in the freedom fund.

Earlier yesterday, a newsman asked the Rev. Martin Luther King, Jr., leader of the Negro movement, if there was any disagreement about the demonstrations among the Negro leaders.

"There Is No Disunity"

"This is one of the most united situations I've ever seen," he said. "There is no disunity. Everything is agreed on by a strategy committee."

The Rev. Ralph Abernathy said the Negroes in Birmingham "not only have the largest non-violent army in the civil rights fight but one of the most disciplined."

While Mr. King and Mr. Abernathy, another of the Negro leaders, were talking to reporters, Police Commissioner Conner was on patrol in nearby Kelly-Ingram Park, scene of most of the recent demonstrations. His city force has been beefed up with hundreds of State troopers and auxiliary police.

The Conner forces put only enough men on the streets yesterday to show the Negroes they were there. The others were out of sight but available in City Hall, Mayor Hanes

"Bunch of Quislings"

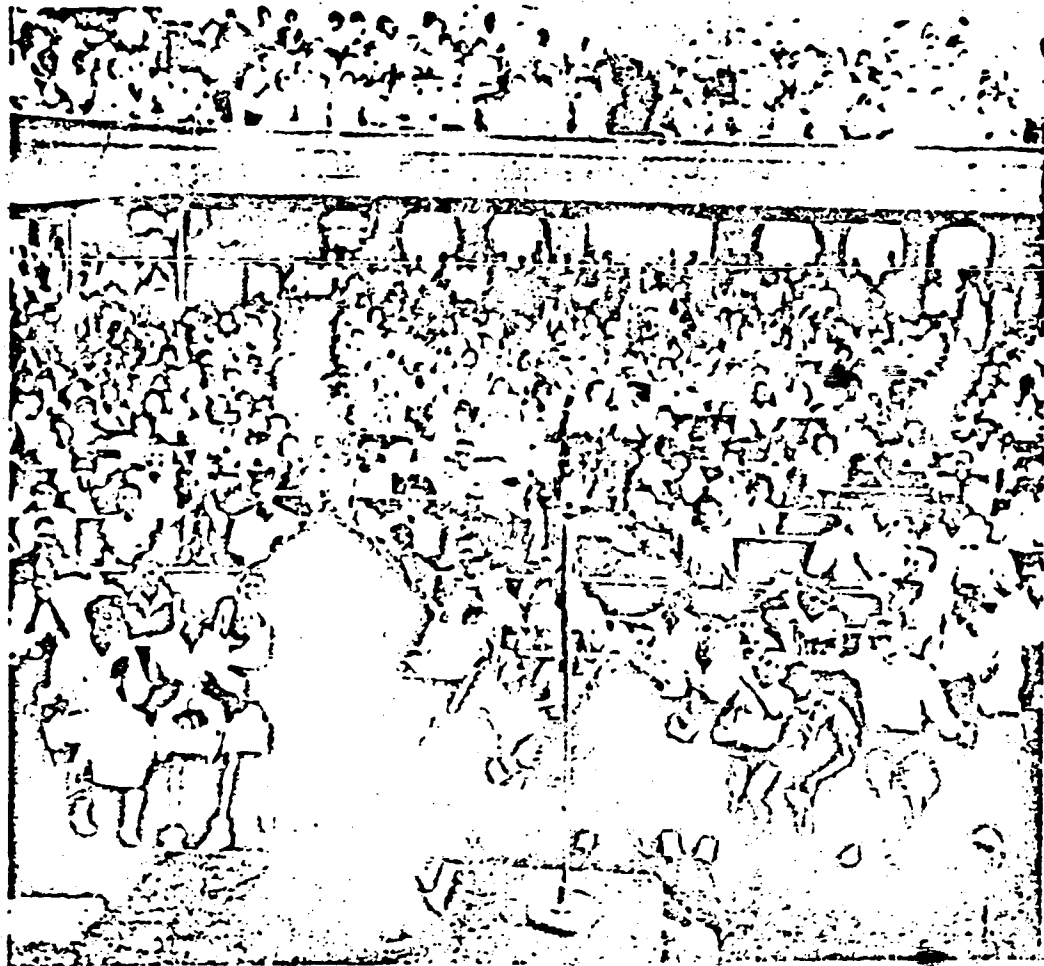
"You give the niggers one thing now and they'll be back for more. They want to go into the lunchrooms now. Next

month it will be the theaters. We had King licked until that bunch of quislings (the white merchants negotiating to end the strife) started to work. You are going to see some niggers get their head split," Mr. Hanes said.

But while the Negroes are fighting for a lunchroom stool, Mr. Hanes is fighting for his chair in City Hall. A new Mayor was elected but Mr. Hanes won't turn over the post.

If he loses the fight for the mayoralship, an issue now before a court, Mr. Hanes, a former FBI agent and onetime P-T boat officer, said he will fight integration "from wherever I am."

And Gov. George Wallace, he said, is behind him and Bull Conner.



The Rev. James Bevel, Negro integration leader, addresses a clapping, hymn singing pro-rally in Birmingham in one of the night and day

sessions held by Negroes in this city. (racial demonstration) AP Wirephoto.

[illegible][illegible][illegible][illegible]

"You tell her answer you were just shy." "Maybe not," said John. "That's why they put you in jail. You should have seen the ship fly by last year. It wasn't fit for a human being."

"I told I was fit."

"Well, anyway, you bet we're not!"

"John, you got by the way, you bet, all day about those things. I am around here some. Where did you go now and I still want you to get me back to school."

helped him get in view of the police. He said the parents had come for her about 11:30 a. m. and she became hysterical. She did not know what to do. She said she was not alone. She was with the "disturbances" the other night. She said she was not alone. She was with the "disturbances" the other night. She said she was not alone. She was with the "disturbances" the other night.

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Y4. 10 1963

The Meaning of Birmingham

The deeper implications of the racial conflict in Birmingham must be faced. An episode of this nature cannot be isolated. It is the result of historic forces and social conflicts that are uniquely American and that demand solution.

From the time the first slaves were brought to Virginia in 1619, a rigid social stratification occurred. The Negro slave was not only bereft of legal rights; he was considered and treated as a morally inferior being. At the time of Emancipation, only one slave out of six had even been allowed to become a Christian.

In a book on the Negro in the Americas, Dr. Frank Tannenbaum of Columbia University calls attention to the striking differences in the attitude toward the Negro between all of Latin America and the United States. The Latins, carrying on the tradition inherited from Spain and Portugal, treated the Negro slaves less as domestic animals and more as human beings whose inferiorities were legal and economic rather than moral. Manumission was relatively easy. As a result, emancipation occurred peacefully in every Latin-American nation, and the social adjustments, while far from perfect, have been made fairly smoothly and tolerantly.

In the United States, emancipation came in violence and failure. It did not solve the social conflict. We today are facing the consequences of this failure. Birmingham is a symptom.

The dilemma that Gunnar Myrdal wrote about in his great study of the Negro in the United States, "The American Dilemma" (now just reissued), is, as he says, a moral conflict. It is a struggle between the American's deeply moralistic creed and his specific actions based on interests, prejudices, customs, instincts, fears. As Dr. Myrdal notes, this is the white man's problem at least as much as it is the Negro's.

Moreover, what was a purely domestic American issue has become a phase in a worldwide struggle. Aside from the cold war implications, it means something that Negroes should be independent, free and masters of their own destiny in much of Africa, but not in Alabama and Mississippi.

A tidal wave hit the United States in 1960, and then subsided. Another one, a century later, is gathering force. The hope of a peaceful solution today lies in the fact that Americans, as Gunnar Myrdal believes, are truly "moral-conscious."

NEW YORK TIMES

MAY 10 1963

REDS ATTACK U.S. OVER BIRMINGHAM

Story and Pictures Widely
Published in Europe

LONDON, May 9 (UPI) — The Communist press throughout Europe attacked the United States today for racial troubles in Birmingham, Ala.

In Moscow, the Communist party newspaper, Pravda ran the story under the headline "Monstrous Crimes Among Racists in the United States."

The newspaper Sovetskaya Rossiya said "public opinion throughout the world repudiates this wave of racial violence in Alabama, at which state officials and Federal authorities snap their fingers."

In London, the Communist Daily Worker said the United States had "done nothing to protect" the civil rights of Negroes.

Most British newspapers played the Birmingham story prominently on front pages with dramatic pictures of white policemen, armed with clubs, assisted by dogs, harassing Negro children.

The communist newspaper L'Unita in Rome said the racial demonstration in Birmingham showed a revolution was under way in the United States.

"Weapon of Repression"

"The weapon of repression used massively against children and girls by firemen against those who use it," L'Unita said.

Many pictures and thousands of words have been earned in the French press on "The Battle of Birmingham."

The communist organ L'HUMANITE carried a large front-page picture of policemen grappling with a Negro youth with the caption:

"The champions of the free world at work: a Negro tortured in the streets of Birmingham by the police."

The Birmingham demonstrations have been a daily front-page story in Swedish newspapers with large headlines and prominently-played pictures showing police and firemen attacking the demonstrators.

Virtually no West German newspaper has commented editorially on the racial strife in Alabama, mainly because West Germany itself has been in the midst of a serious labor crisis.

Reported on Asia

TOKYO, May 9 (UPI) — Asian newspapers today prominently displayed stories of racial strife in Birmingham, Ala., but said little about it editorially.

Birmingham has been competing with the trouble in Haiti for top play in the foreign news pages of most papers in non-Communist countries of Asia.

Newspapers and radio broadcasts in Asia's Communist countries have carried reports on the Birmingham developments. But they have had relatively little comment.

Red China's New China News Agency, monitored in Tokyo, carried a second report entitled "Birmingham Negroes continue fight for equality."

The report, broadcast by Peking radio, said "massive demonstration against the color bar by American Negroes in Birmingham were resumed yesterday."

Kenya Protests

NAIROBI, Kenya, May 9 (Reuters) — Jomo Kenyatta, president of the Kenya African National Union, cabled President Kennedy today protesting "continuing oppression of Negroes in the Southern United States."

"We express solidarity with the American negro freedom fighters in their struggle for human rights," the cable said.

His party said in an election statement: "It is ironic that a country such as the United States, which claims to be a home of democracy, should show itself as a state where oppression and discrimination are rife."

"If the United States wishes to maintain the respect and goodwill of the people of Africa, it must stand firm by the fundamental principles of freedom and equality enshrined in its Constitution."

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NEW YORK TIMES

In The Nation

Mass Pressure as Substitute for Legal Process

By ARTHUR KROCK

WASHINGTON, May 9.—In his temperate comments at his news conference yesterday on the coercive mass anti-segregation protests in the streets of Birmingham, the President said that "the best remedy in this case and other cases... in time, take steps to provide equal treatment to all our citizens." He did not mention the fact, but it applies directly to his counsel, that the desegregation of privately owned lunch counters, which is one of the principal objectives of the Negro demonstrators in Birmingham, is a pending constitutional issue in the Supreme Court.

Argument has been completed on the seven cases—two from Birmingham—in which this issue has been raised. Therefore, the Negro leaders who have organized the demonstrations are in the position of having interposed mass pressure for due process of law, insofar as the desegregation of private-property facilities is concerned. To make this interposition more effective, they have used schoolchildren as demonstrators; and the local authorities have responded by using police dogs and fire hoses to enforce the local ordinance against such demonstrations. But neither technique, nor the consequent national and international blight of the Birmingham riots, would have come into being if judicial determination had been respected and awaited.

Yet it was through orderly resort to this very procedure that American Negroes owe their great and rapid advance toward equal status under law in recent years. And it is the Supreme Court, fully backed by the Federal power in the enforcement of its equal rights rulings, which has been the source of this advance. Moreover, as Mr. Kennedy again pointed out yesterday, while the writ of the Federal Government runs by judicial fiat to matters of racial equality in voting, education and the use of public facilities, no violation of Federal law is as yet involved in the Birmingham police curbs of mass protests which have defied the local ordinance prescribing the standards of law and order.

This comment by the President applies to the coercive Negro pressure to desegregate private property facilities as directly as his "best remedy" prescription applies to organizing this pressure while the legality of its objective is in the final stage of judicial process. Orderly mass pressures on local and state officials for compliance with Supreme Court equal rights rulings can be justified in law and in the democratic system. But this is not true of the methods used in Birmingham to effect privately owned lunch-counter desegregation by civic disorder.

Questions by the Court

The constitutional issue is deeply complicated, as was clearly apparent in the argument before the Supreme Court last November on the seven related cases and the questions from the bench. The underlying broad question argued was the legality of private discrimination when supported by state trespass prosecutions. But also intruded was the issue of a store owner's constitutional right, in the exercise of his own free choice, to eject Negroes from his premises. Counsel for the defendant states urged the Court to base decision on this latter contention; the other side stressed the use of state power to sustain the store owner's right of free choice.

The questions from the bench implied there would be a split on the decision and on its controlling issue. Justice Brennan asked the attorney for students convicted of criminal trespass under North Carolina law whether his argument meant that discrimination by a New York or Montana store owner would stand on a different constitutional footing from a store owner in North Carolina because those states were not "involved" in a far-reaching public policy of segregation. The lawyer replied in the affirmative, but said he saw no constitutional "part in this." Justice Douglas wondered aloud why counsel avoided the basic problem: "the private property argument." The Chief Justice asked North Carolina's attorney whether a difference existed between keeping Negroes entirely off private premises or refusing them the use of a single counter after they had been invited into the store. And in the cases from other states the questions searched different but equally sensitive areas of the general constitutional problem.

In sum, they proved that a momentous decision is in the making by due process, as in a government of law it should be.

NEW YORK TIMES
MAY 10 1963

Celler and Javits Demand U.S. Intervene in Alabama Violence

WASHINGTON, May 9 (AP) — "The proposition of Federal power in a demand for Federal intervention in Birmingham and the 13th Amendment abolition in Birmingham and the 14th Amendment prohibition that President Kennedy has the power now to end the privileges or immunities of citizens or deny equal protection of the law to any person equal protection of the law today."

Representative Emanuel Celler, Brooklyn Democrat, who is chairman of the House Judiciary Committee, and Senator Jacob K. Javits, New York Republican, disputed Mr. Kennedy's contention that the Federal Government lacked authority to deal with the situation because no United States law applied.

Mr. Celler said Federal intervention would be necessary if racial disorders in the Alabama city should bring fire hoses and police dogs into play again against Negro demonstrators.

Mr. Celler's committee is holding hearings on proposed civil rights legislation. Mr. Javits was one of several members of Congress appearing as witnesses.

Finds 'Ample Basis'

"There is ample basis for Federal intervention in the 13th and 14th Amendments to the Constitution," said Celler.

Mr. Javits concurred and said a criminal statute also applied.

Others who testified in favor of Federal intervention were Representative Adam Clayton Powell Jr., Manhattan Democrat, in a plea for Federal action in Birmingham; Charles S. Javits, New Jersey Democrat, who said the Federal Government has the power to administer punishment to citizens because of their color; and Fred Schwengel, Iowa Republican.

This statute justifies the intervention in Birmingham.

Call for Legislation

Although calling for immediate Federal action to end disorders, Mr. Javits and other witnesses said broad civil rights legislation dealing with all areas of racial discrimination was needed to keep rising racial tensions from getting out of control.

Mr. Javits said the Birmingham incidents were another warning that the United States was "close to a national emergency on civil rights."

He urged the Judiciary Committee to write a stronger bill than that proposed by the Administration, which is aimed mainly at protecting Negro voting rights. And he predicted a determined fight to break a Southern filibuster in the Senate if such a bill is sent over by the House.

"The time has come for the Senate to mount a really major struggle on this subject," he said.

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mands for Ending in Birmingham

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Dr. King's account of the progress of the negotiations came in a three-postponed news conference at the Gaston Motel headquarters for the desegregation drive. Dr. King, president of the Southern Christian Leadership Conference, was accompanied by the Rev. Ralph D. Abernathy, his chief assistant.

Shuttlesworth Is Absent

The Rev. Fred L. Shuttlesworth, head of the Alabama Christian Movement for Human Rights, was not present. Dr. King said that Mr. Shuttlesworth was remaining in bed because of injuries suffered Tuesday when a stream of water from a fire hose knocked him down, bruising his chest. There had been reports that the minister was not happy over the peace terms under consideration.

Charge

Dr. King said that agreement had been reached on demands for desegregating lunch counters and other facilities in downtown stores, and for hiring and promoting Negro employees in stores.

Charge

In reply to questions, he said that a commitment to desegregate the lunch counters at a certain time would be accepted. He did not say how soon this would occur.

Charge

Other comments by Dr. King indicated that the hiring and promoting of Negro employees in the stores would also be a gradual process.

Charge

A third demand calls for dropping of all charges against the more than 2,000 demonstrators who have been arrested in the integration drive.

Charge

Dr. King said, "The only thing that we can ask of the merchants is that they respond in a very strong manner that the charges be dropped."

Charge

The fourth demand calls for appointing a racial committee that would set a timetable for desegregating the city schools, reopening parks and playgrounds closed after a Federal court ordered their desegregation, and hiring additional Negro city employees, including policemen.

Charge

On this point, Dr. King repeated only the need for appointing a racial committee. He said nothing about the timetable for the additional changes in racial practices here.

Charge

Finds Militancy High

The integration leader said that postponing the demonstration had not resulted in a loss of militancy among his followers. "I think the people are determined to go as far as they can," he said.

Charge

He was asked what a list would be taken if the city government refused to go along with the agreement. "We will have to meet that problem when we face it head on," he said.



DRIFT AT RALLYING POINT IN BIRMINGHAM: Alabama Highway Patrolmen yesterday in Kelly Ingram Park. The park is across the street from the 16th Street Baptist Church, a starting point of N.A.A.P.C. demonstrations.

NEW YORK TIMES

MAY 10 1963

Dick Gregory Accuses Police Of Brutality in Alabama Jail

BIRMINGHAM, Ala., May 9. Mr. Gregory said he would (UPI)—Dick Gregory, Negro comedian, released today after four days in jail, said he had been "whipped by five policemen using billy clubs, hammers and sawed-off pool sticks."

Mr. Gregory told a news conference that "police brutality was unbelievable."

"You leave the world when you go into the Birmingham jail," he said. "It was the most miserable experience of my entire life."

Mr. Gregory, showing the physical strain of his jail term, displayed a welt about six inches long on his left forearm. He alleged that he had been beaten by policemen who methodically entered cell blocks holding about 500 prisoners in each. He said one "particularly brutal" guard used a "sawed-off pool stick" on him.

Police Chief Jamie Moore was not immediately available for comment but a desk sergeant termed Gregory's charges "a wild story."

He was jailed Monday less than an hour after he arrived in town to join the massive racial demonstrations. He was arrested while leading a group of teen-age marchers, shortly after they left a church rally and headed for the downtown section carrying anti-segregation signs.

Mr. Gregory said, "The only difference between the police in Birmingham and Greenwood Miss. is that in Greenwood the police are cowardly on the streets and in Birmingham they are cowardly in the jail."

The comedian participated in veteran registration marches in Greenwood last month but was not arrested despite his hurling of taunts at officers who once left him standing on the street after hauling other demonstrators away to jail.

He was released from jail here under bond.

Their shouts competed with the din of an air hammer at a construction site 40 yards to the north on First Avenue.

In the tree-shaded area to the south designated as United Nations Plaza, a third group, of Negroes and whites, demanded an end to the Birmingham disturbances.

Views Contrasted

Its leader, the Rev. Robert Kinloch, an Evangelist minister, said his group disapproved of both separation and exodus to Africa.

Mr. Kinloch said his and the two nationalist groups had agreed not to interfere with one another. He said his group was sponsored by the Independent Community Improvement Association, 211 West 125th Street.

The picketing ended at 12:45 P. M. without incident. A few passers-by paused to watch. Several contingents of school children visiting the United Nations were shepherded through the area by their teachers and policemen.

The pupils used up a considerable amount of film photographing a black-draped casket borne by four men of the Kinloch group. It carried the legend "Jim Crow . . . R. I. P."

There were about 40 demonstrations in all. About as many policemen were assigned to the area.

In another development growing out of the Birmingham crisis, the National Maritime Union announced that it had sent a check for \$32,692 to the Rev. Dr. Martin Luther King Jr., a leader in the desegregation movement, "to bolster those in the front ranks of the fight to obtain full constitutional rights for all citizens by nonviolent means."

The check was made out to the Gandhi Society for Human Rights, of which Dr. King is honorary chairman.

Floyd Patterson, the former heavyweight boxing champion announced that he would go to Birmingham next Monday. Another Negro who has been prominent in sports, Jackie Robinson, the retired major league baseball star.

"I expect to be handled roughly and intend to be non-violent," Mr. Patterson said.

"I will protect myself against police dogs," he added.

NEW YORK TIMES
MAY 10 1963

NEGRO TEEN-AGERS SING AS THEY WAIT

But No Demonstration Call
Comes in Birmingham

By PHILIP BENJAMIN

Special to the New York Times

BIRMINGHAM, Ala., May 9 — Today was peaceful in Birmingham so far as the racial integration issue was concerned. While their elders negotiated, hundreds of Negro teenagers sat in the 16th Avenue Baptist Church all the long, hot day, ready to stream out on another protest march.

The children were in the church at 9 o'clock in the morning, clapping in off-beat rhythm as they sang, "Everybody Loves Freedom." They were led by Mrs. Dorothy Cotton of the Southern Christian Leadership Conference.

Passive Resistance Stressed

Then the Rev. C. T. Vivian of Chattanooga, Tenn., talked about non-violence. He led the children in a kind of passive resistance catechism: "What would be if we used violence and dogs and fire hoses?"

The answer: "We'd be just like them."

And another question: "What will we do if we get what we want?"

The answer: "We will put to good use the opportunity given us."

This was a schooling and orientation session, conducted every day. Later, a blackboard was carried into the church; on it a diagram was shown the children what route to take if they were called on to march in another anti-segregation protest.

Keep Plans Secret

Reporters were asked to leave. This, Mr. Vivian explained, was to prevent the police from finding out at what place any demonstration was planned.

"The police would simply follow the reporters if the reporters knew where it was going to be," Mr. Vivian said.

Meanwhile, negotiations were in progress between Negro and white leaders on such issues as permitting Negroes to sit at lunch counters, to use fitting rooms for trying on clothes (a privilege reserved for whites) and to work in higher positions.

A block away from the church, reporters and photographers, were waiting in the partial sun in the courtyard of the A. G. Gaston Motel, headquarters for the integration leaders, including the Rev. Dr. Martin Luther King Jr. of Atlanta. The bi-racial motel was built by A. G. Gaston, a Negro undertaker.

European Reporters

There were Southern and Northern newsmen and cameramen, a man from the B.B.C., a woman from The Manchester Guardian; there were news magazine writers and their assistants and a bearded Danish photographer. There were also Southern college students.

Among the latter was Walter Charnley, 18 years old, of Charlotte, N. C., a freshman at the University of North Carolina at Chapel Hill. Mr. Charnley said he was present as an observer for the Student Peace Union at the university. He wore a "ban the bomb" symbol on his jacket. Mr. Charnley said he was in sympathy with the aims of the Negroes, but planned to take no part in any protests. "I can't afford to get in jail right now."

Other Students Present

Three other University of North Carolina students were with him. They were Kinney Lee, 19, of Philadelphia, an observer for the Committee of Racial Equality; John Dunne Jr., 20, of Cleveland, a member of the National Association for the Advancement of Colored People; and John Bulkeley, 19, of Southport, Conn. All were white.

In mid-afternoon Dr. King appeared at the motel to report on the progress of negotiations.

While he was talking a Northern newspaperman and a Northern television cameraman threatened to punch one another in the face.

"Non-violence, non-violence," some of the Negroes cautioned, and the incident was at an end.

MAY 10 1968

Washington

J.F.K.'s Moderate Experiment in Birmingham

By JAMES RESTON

WASHINGTON, May 9.—President Kennedy has adopted a cautious strategy in the Birmingham conflict. He has rejected the provocations of the extremists there and here and bet everything on arousing the moderates in Alabama.

This will not be easy. Ironically, the President is being blamed in the conservative South for saying too much about Birmingham, and in the liberal North for saying too little. But in fact he is presiding over a very delicate attempt to find an effective compromise.

Very quietly in the last few days literally hundreds of telephone calls have been made from here and elsewhere in the North and South to responsible private citizens and officials in Birmingham.

Officials here, beginning with Attorney General Robert Kennedy, have been on the phone to officials in the South who might have some influence in producing a truce. Secretary of the Treasury Dillon has been talking to bankers and other friends in Alabama. Leaders of large national businesses, with branch stores in Birmingham, have been talking to their branch managers there.

All this has had a single purpose: to mobilize the moderate elements in Birmingham and get them to work for peace at the local level, rather than leaving the field to the extremists.

The pressure on President Kennedy to follow a different course has been immense this week. With every story and photograph of violence in Birmingham he has been pressed either to intervene with Federal troops or at least to issue a sharp public denunciation of the Birmingham police officials.

Kennedy's Dilemma

It has not been easy for him to resist this course, for he has condemned this pattern of approach to such problems in the past. In 1960, he condemned President Eisenhower abruptly by saying that the American President in the sixties would "demand more than ringing manifestoes from the rear of the battle."

"It will demand," he added, "that the President place himself in the very thick of the fight, that he care passionately about the fate of the people he leads, that he be willing to serve them at the risk of incurring their momentary displeasure."

All this has been recalled to him by his liberal friends this week in order to encourage his sharp intervention, but neither the President nor his brother the Attorney General, who is often accused of bringing the onus of the Administration, analyzed the problem that way.

The Birmingham case, in their view, was not like the University of Mississippi case, where a Federal court order was clearly being defied by refusing to admit James Meredith to the university. Nor was it the case, as the Montgomery, Alabama, case, where Negroes engaged in interstate commerce were in imminent danger.

Administration Sentiment

Accordingly, Section 333 of Title 18 of the United States Code did not seem to the Administration to not apply to Birmingham. Nor did it appear to be useful to express the strong feelings genuinely felt here. For while this would undoubtedly make Washington feel better, it might also influence the Alabama Supreme Court, which has been asked to decide whether the present Birmingham city officials retained in office, or a more moderate group be established.

For all these reasons, a decision was made to reject both troops and manifestoes and try quietly to appeal to the conscience, common sense and self-interest of the moderate citizens of the city.

Burke Marshall, the quiet head of the Justice Department's Civil Rights Division, and Assistant Attorney General Louis F. Oberdorfer, an Alabamian, were sent to Birmingham to try to mediate in the dispute.

Meanwhile, the telephone started ringing. Chain store executives were urged to agree to desegregate their branches in Birmingham when it was legal under local law to do so. Moderate ministers in the North and South called the Birmingham ministers to urge that the efforts at mediation be given time to work. Lawyers called on former classmates in Birmingham to speak out for moderation, and apparently all this has had some effect.

The North-South Dialogue

Nobody here is prepared to predict what will happen from hour to hour, but at least moderation is being given a chance. The Attorney General has been trying to open up an honest dialogue with the South. He went to Alabama a few days before the riots started. He got nowhere with the Governor, but found others in the administration who, while disagreeing with the administration's views on desegregation, were prepared to support the law.

Thus a discussion of these questions was started before the rocks began to fly and it has been greatly widened ever since. Atlanta mobilized its moderates and now being urged to Birmingham is now being urged to do the same. It is a much more difficult problem there, but at least a start has been made.

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Talks

But Validity Of Accord Is In Doubt

Dr. King Insists On Full Victory; Truce Imperiled

By Al Kuettnner

BIRMINGHAM, Ala., May 9 (UPI)—The white members of a bi-racial negotiating committee agreed today to three of the four concessions demanded by Negroes, but serious doubts were raised about the validity of the agreements.

Dr. Martin Luther King Jr. promised that the massive demonstrations that have taken this city for the past week would be resumed unless demands were met by 11 p.m. EDT Friday.

Associated Press quoted King as saying tonight "the settlement has been reached except for minor details." But according to UPI, Walker, the Negro's secretary, quoted Dr. King as saying reports that all demands had been met "absolutely false."

Civil rights leaders in both of the city's rival government's said that they would not end by negotiations of a committee, which is composed of Negro leaders and businessmen.

He said it as an unwarranted presumption for anyone to infer or suggest that there has been a 'truce' between the city of Birmingham and the white community.

Deeds Met in Talks

But Validity Of Accord Is In Doubt

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On Full Victory;
Truce Imperiled**

By Al Kuettnr

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[Associated Press quoted Dr. King as saying tonight that "the settlement has been serious except for minor details." But according to UPI, Wyatt Walker, the Negro leader's secretary, quoted Dr. King as saying reports that all major demands had been met were "absolutely false."] Officials in both of the city's two rival governments said tonight that they would not be bound by negotiations of the committee, which is composed of Negro leaders and white businessmen.

"I regard it as an unwarranted presumption for anyone to infer or suggest that there has been a 'truce' between the city of Birmingham and the Negroes."

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beating of Negroes on Federal property.

[He said also that he has "documented proof" of police brutality.]

In New York, former heavyweight boxing champion Floyd Patterson said he would go to



United Press International

Two Negro employees of the City of Birmingham repair a fire hydrant across the street from a Baptist church where firemen had been using hoses on demonstrators.

ALABAMA—From Page A1

3 Negro Demands Met In Birmingham Talks

he would not be bound by its Birmingham Monday with former baseball star Jackie Robinson to join the freedom marchers and "get thrown in jail."

The two governments have set up a joint control program until jurisdiction is settled by the Alabama Supreme Court.

Tensions Eased

There was a noticeable easing of tensions here today as the integration battle shifted from the streets to the conference table. But King warned that mass marches of Negroes would be resumed if the demands were not met.

This thing is not over, the Rev. Ralph Abernethy, one of King's aides, said tonight. "We are still negotiating. We haven't reached a satisfactory settlement on all points at this time."

This is the last time we will set a deadline," King had warned earlier today.

King and Abernethy said this afternoon formal agreement on two of the demands, but other sources later reported there had also been agreement on a third point.

King disclosed at a news conference that agreement had been reached on demands that eating places at downtown department stores be desegregated, and that better job opportunities be provided for Negroes.

Another Accord

It was then reported that an accord also had been worked out on demands that a permanent biracial committee be set up to monitor the city's progress in meeting the demands.

STON POST-TIMES HERALD

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3

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Another Accord

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The remaining point still in negotiation was the demand that authorities free all demonstrators jailed during recent massive protests. More than 2200 have been taken into custody since April 3, and about 600 are still in jail.

Most of the 1100 Negro juveniles arrested in racial demonstrations were released today, Associated Press said. About 900 were released to their parents during the day.

One of the adult demonstrators released today was Negro comedian Dick Gregory, who was arrested Monday.

Gregory, freed on \$300 bond, claimed that in jail he was "whipped by five policemen using billy clubs, hammers and sawed-off pool sticks."

Police Chief Janice Moore said he had never received any complaint from Gregory while he was behind bars. But Moore said he had asked the U. S. attorney for northern Alabama to investigate the charges.

Differs With Kennedy

Associated Press reported that at his news conference this afternoon, Dr. King said President Kennedy was mistaken when he said, in his news conference yesterday, that there have been no violations of civil rights laws in Birmingham and therefore no grounds for Federal intervention.

[Dr. King asserted that violations of civil rights laws in Birmingham included the arrest of Negroes going to the county courthouse to register to vote; arrest of Negroes eating at lunch counters in Federal buildings; and the beating of Negroes on Federal property.]

He said also that he has "documented proof" of police brutality.

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MAY 10 1968

Racial Peacemaker

Burke Marshall

By Alice R. New York Times

WASHINGTON, May 9

For the last week the burden of preventing more serious violence in Birmingham and of starting long-term improvement in race relations there has rested largely on the slim shoulders of the Justice Department's civil rights chief, Burke Marshall. By

outward appearance, Mr. Marshall is an unassuming figure for such a dramatic role. He is slight of build, unassuming in manner and soft of voice. He is commonly quiet and undramatic.

But it is inner qualities that make the man, or at any rate this man, according to his friends and colleagues. They regard Mr. Marshall as ideal for the peacemaker's role in Birmingham because of his qualities of intellect and style.

His very quietness, his lack of drama, fit him to be a mediator in situations of great tension. His calmness, his courage would be another word for it. He is a confident man. So does his lawyer's way of thinking, analytically and without sentimental confusion.

'Best Man for Job'

Perhaps most of all, to those who know him, Mr. Marshall is the image of the ideal lawyer.

"Burke was the best man for this job," another Justice Department lawyer said, "because he is so clear and so gently persuasive."

"He takes things one at a time, separating out each issue, one that you don't even realize were there. By talking in that quiet way he gets people to do the right thing without forcing them."

"It's like the best kind of lawyer with a jury. When the trial is over they go his way, and the attorney says, 'I was right,' and he says, 'That was obvious.'"



Gets people to go his way

Mr. Marshall got the job as head of the Justice Department's Civil Rights Division by being a lawyer of exceptional reputation, a man of experience in civil rights. His chief interest in the Washington firm of Carrington & Harring was antitrust law.

There is a legend about Mr. Marshall's first meeting with Attorney General Robert F. Kennedy, who ran a state attorney general's office. Mr. Kennedy had invited him over to be interviewed for the civil rights job. He said the two of them sat for minutes without saying a word.

For the Attorney General, Mr. Marshall was a man of great respectability. He was a lawyer of the highest caliber, and although Mr. Marshall was a

lawyer, qualities said to be admired by the Kennedy's. As Assistant Attorney General, Mr. Marshall has had to learn ways other than those of the litigating lawyer that he was. In this job he has had to deal with passions as intense as those of the Rev. Dr. Martin Luther King Jr. and Ross R. Barnett, Mississippi's Governor.

In Birmingham he has provided an essential line of communication between the protesting Negroes and the white community. Before he arrived there, it is reported, white leaders did not even know what the Negroes wanted.

His role has been the more difficult because he had no ultimate legal power to impose solutions. He could only reason with the two sides, holding back the frustrated Negro groups and trying to persuade the white leaders to accept inevitable change.

Always in Mr. Marshall's mind was the threat that has been with him always in this job: the possibility of racial tensions leading to death.

Mr. Marshall, who is 40 years old, comes from Plainfield, N. J. He went to Phillips Exeter Academy and Yale, then learned Japanese, was an Army linguist and served in postwar Japan. He still divides in Japanese characters.

In Tokyo he married V. Lee Peterson, who had worked with him as a Japanese linguist for Army intelligence. They have three daughters: Josephine, 11, Catherine, 7, and Janet.

The Marshall family lives in Washington, D. C., at 1700 W. Va. B. Mr. Marshall is a member of the American Bar Association.

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-2-THE EVENING STAR
Washington, D. C., Thursday, May 9, 1963

Judge's Chambers Hold Story of Birmingham

By RILMAN MORIN
Associated Press Staff Writer

BIRMINGHAM, Ala., May 9—Here, in a juvenile court judge's office, is the whole story of Birmingham today, the Negro side, the white side, the heart-breaking human side.

Judge Talbot Ellis sits behind the desk. He has crisp gray hair, a clean-cut profile. He speaks in a low, kindly voice.

On the other side of the desk is a 15-year-old Negro, Grover Preer Parham. He is burl for his age. He was arrested six days ago for participating in the demonstrations which have been wracking the city.

A small carved sign in the desk bears the motto, "Prayer Changes Everything."

Seeks Son's Release

Behind Judge Talbot is the boy's mother, Mrs. Aileen Parham. She is tall, nice looking, with an intelligent expression. She has come to the juvenile court, where children under 16 are being held, to get her son released.

This is the dialogue between the three:

Judge: "Grover, I'm going to let you go. Your mother must have been mighty worried when she couldn't find you. Why did you tell the officer you were 17? That's why they put you in jail instead of bringing you here."

Boy: "I said I was 15."

Judge: "Well, anyway, I'm letting you go. By the way, you have an unusual first name. Where did you get it?"

Mother: "That's Dr. Walsh's first name. My husband named him 'Grover.' It develops later that Dr. Grover Walsh, chief of medical services at Lloyd Noland Hospital here, took the boy's father into his home and helped him get an education. The elder Parham is now a doctor."

Deplores Violence

Judge: "Now, Grover, you know violence in the streets is not the answer to this. Just the other day, Attorney General Kennedy said this problem 'won't be solved in the streets.' And I often think of what one of the founding fathers said, 'There is no freedom without restraint.' Now, I want you to go home and go back to school. Will you do that?"

No answer. The boy stares at Judge, unblinking, through his spectacles. His jaw juts upward.

Judge: "Are you mad at me, son?"

Boy: "Can I say something?"

Judge: "Anything you like."

Boy: "Well, you can say that about freedom because you've got your freedom. The Constitution says we're all equal but Negroes aren't equal."

Judge: "But you people have made great gains and they still are. It takes time."

100-Year Wait

Boy: "We've been waiting over 100 years."

The judge tells him about attending legal conferences, working there with Negro judges and attorneys.

Judge: "Now, we were all equal there, not because the Constitution says so, but because we are equal in our profession."

Mother: "May I say something? I don't approve of street violence, either. But after a civil rights meeting we did try to get in touch with city officials and they wouldn't see us. And I know this, Judge—these younger people are not going to take what we took. I have another son in Oberlin College in Ohio, and he'll never want to come back here."

She describes her experiences as a shopper in downtown Birmingham and continues—

"If I'm going to spend my money in the stores, I think I should have the right to sit down and eat a sandwich in them."

A juvenile court official tells her that sit-down facilities were provided Negroes, some years ago, "but they had to be discontinued because your people literally destroyed them."

Mother: "I say if our people don't act intelligently—if they're not clean—then don't allow them in. But that should be so for white people, too. If they're not intelligent and are dirty, they should be thrown out. They all should—white or colored."

Judge: "Mrs. Parham, what do you think of Booker T. Washington?"

Mother: "I think he was a fine man. But his day is past. The younger people won't take what we did."

Boy: "Does Birmingham have a health board? Are they concerned about what happens to Negroes in jail?"

The judge nods affirmatively.

Get No Food

Boy: "We were picked up at 2:30 and we didn't get anything to eat all day. The next morning we wouldn't have gotten anything either if we hadn't gotten together and beat on the bars and yelled."

Juvenile Court Officer: "Would your mother have had food for over 100 people if they had all come at once to your home?"

Boy: "Maybe not. But you should have seen the slop they fed us. It wasn't fit for a human being to eat."

Judge: "Well, I expect we could talk all day about these things. I want you to go now and I still hope you'll go back to school."

Mother: "Thank you, Judge. Boy, under his breath: 'Thanks for nothing.'"

Now you go through the quarters where the children are being detained. Pretty little Brenda Pettit, 15, is being released. Her parents had come for her.

How did she become involved

in the disturbances? She sixes. "I just ran after the other kids," she says.

In another office Probation Officers Harry Long and Darcus Haslip—both Negroes—are releasing John Arthur Bell, John, 11.

He is small even for his age, but grinning broadly. Does he want to get out? "Sure do," he says, grinning even more happily. "Yes, Mr. Sure do want to get out."

Officer Long asks him how he came to be in the streets during the troubles. His mother answers. She says she sent him to her sister's home. When he didn't return at night, she telephoned her sister. No boy there. Again, "I just ran after the other kids."

But it is difficult to know about these answers.

Mr. Long says, for example, "Some of the parents won't come for their children. They're leaving them here? Why? It's for the movement, I suppose."

"The Organization"

Negroes here speak of "the movement" or "the organization."

Upstairs is the cafeteria. The tables and chairs are a bright yellow and orange. The room is clean, cheerful.

The children come in carrying trays with ground beef and beans, turnip greens, sweet potatoes, corn bread, fruit pudding and iced tea.

This is by no means "slop." If food elsewhere was not like this, Birmingham people tell you, "we just couldn't organize kitchens fast enough for all the hundreds that suddenly swarmed in."

The children—all little girls in this room—set the trays on the table and stand until all the tables are filled. Then they say grace.

Similar Food

Now out to the fair grounds, where older children are held. Here in dormitories originally built for the 4-H Clubs, you see another cafeteria. The food, which had to be prepared outside, is very similar to what was served in the Juvenile Court detention dormitory.

Upstairs, in two-decker pattern, there are 450 beds. The mattresses and bed clothing are clean, new. The beds are neatly made.

"We have had over 600 people here," says James Gilman, assistant chief warden. "Now it's between 250 and 275."

How do they pass the time? "We brought television sets and radio," says "They watch TV. A lot. And just talk."

Back With Judge

Back in Judge Ellis' office. He says, unhappily, he is getting angry letters from Los Angeles and other cities around the country.

Some days ago, he says, he told a reporter he was setting bail for the Negro children at \$500 to \$750.

"I thought that would deter the kids," he says. "It didn't. So I must have been wrong."

He philosophizes for a moment about the racial problem and says:

"One thing I can say, and I'm proud of it—when I sit on that bench in the courtroom, I'm color blind."

WASHINGTON EVENING STAR

MAY 9, 1963

Uneasy Truce

Politically speaking, the President is very much in the middle in the Birmingham situation. And he is politically astute enough to be fully aware of it.

Nevertheless, he handled this delicate business wisely and even-handedly in his news conference remarks. The President praised the Birmingham business community for responding to settlement efforts "in a constructive and commendable fashion." And he also expressed gratification that Negro leaders, at least temporarily, had called off their demonstrations. Beyond this, he refused to be drawn into any discussion which could serve only to further inflame already wrought up tempers.

No one knows better than Mr. Kennedy that the danger is far from over. As he put it, in a mood of notable understatement, "much remains to be done before the situation can be termed satisfactory." It is also a fact, however, that much has been done by the Kennedy administration, working quietly through Assistant Attorney General Burke Marshall. If, in the end, the extremists succeed in provoking a disastrous race riot, the responsibility will rest on them, not on the President.

WHITES UNPREPARED FOR CIVIL RIGHTS CONCESSIONS

A City That Sits on a Powder Keg . . .

By JACK STEELE

Staff Writer

BIRMINGHAM, May 9

—This city is sitting today on a powder keg with a lit fuse.

But many, perhaps most, of its white citizens seem hardly aware of it.

Leaders of Birmingham's white community for complex and debatable reasons have tried and largely succeeded in keeping this city's head buried in the sand.

This policy has kept the "non-violent" civil rights demonstrations here from turning into a wholesale race riot at least so far.

But it also has kept the city's white citizens tragically unprepared to consider and accept the civil rights concessions which now must be made to end the dangerous situation here.

11TH HOUR

A small group of leading merchants and industrialists agreed yesterday, at the 11th hour, to assent to some of the demands of the Rev. Martin Luther King Jr. that

Birmingham make a "good faith" start on desegregation and other civil rights problems.

But the big question here today is not whether Rev. King accepts the offer, but whether Birmingham's white community will go along with it.

For the city's 350,000 people Negro and white have been told next to nothing as yet about the proposed terms of this "agreement." They also have been told little about the events which led up to it and convinced the merchants an agreement had to be reached.

And they have been kept largely in the dark about behind-the-scenes efforts which have gone on for nearly a year here to steer Birmingham along the road taken by such other major Southern Cities as Atlanta, Memphis and Dallas.

TWO REASONS

The city's white business leaders agreed to bi-racial negotiations asking agreement for two major reasons:

• They were bluntly warned, by Sheriff Melvin

Bailey and others that law and order were at the breaking point here on Tuesday and that violence and death were inevitable unless the demonstrations could be headed off.

(Police reinforcements eased this crisis yesterday, but also increased the danger that new demonstrations could lead to bloodshed.)

• They knew Birmingham's downtown stores were facing economic ruin and that the city's industrial growth has been brought to a standstill both as a result of the racial unrest.

(The city's central shopping area was almost deserted in mid-afternoon yesterday. Merchants admitted the Negro boycott and fears of white shoppers have cut their business sharply. One said he has not grossed enough in the past two weeks to cover his payroll.)

NOT TOLD

Birmingham's citizens have been told none of this.

The city's newspapers have played down the demonstrations since they began April 3, usually carrying only brief stories on them on inside pages. Most of the city's whites also have seen little of the Negro demonstrations.

Police have screened off and barred whites from most of the areas in which the demonstrations have occurred.

This good police work has prevented racial clashes, but it has also left Birmingham's white community largely unaware of the force and momentum of Negro demands for desegregation, job opportunities, and "freedom."

Much of this has to be changed if racial peace is to be restored and kept in Birmingham. But now time is running out.

Moral Lesson Learned in Alabama, JFK Feels

By ROBERT DIETSCH

Special Associated Press Staff Writer

The race trouble at Birmingham gives the nation "an important moral lesson," President Kennedy feels.

"Unless you give equality to all our citizens . . . you are going to have difficulties as we have had this week in Birmingham. The time to give it to them is before the disasters come and not afterward."

But the President, in answering questions at his press conference yesterday, indicated that improving race relations in a "non-risic atmosphere" is easier said than done.

Inter-racial family visits might "be very helpful," Mr. Kennedy said, after being reminded 160 white and Negro

families in Knoxville, Tenn., visited back and forth last weekend.

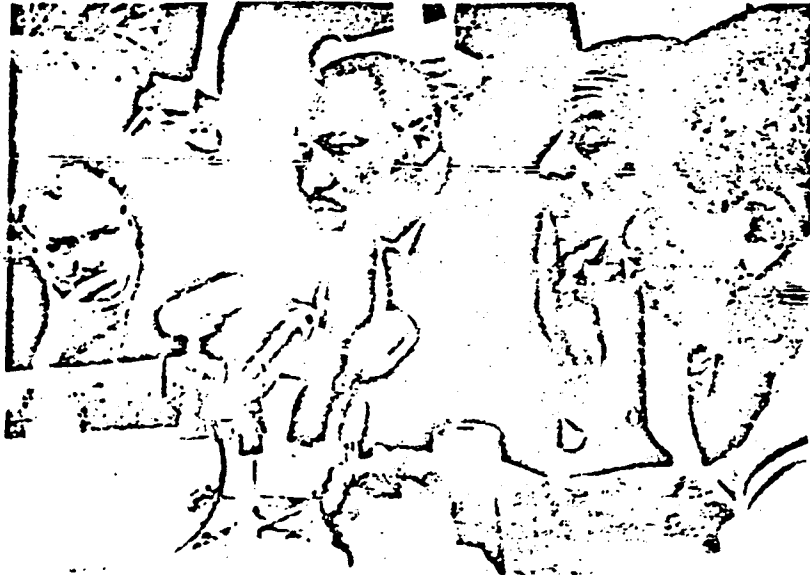
"You can start right here in Washington, where this is greatly needed," he said.

Negro leaders in the last several days have warned there might be demonstrations and increased Negro demands unless discriminatory practices are ended here.

Mr. Kennedy then was asked if he thought "a fire sale" of civil rights would help race relations.

"It might," the President replied. "If I thought it would I would give one."

Mr. Kennedy pledged his Administration would continue to work thru legal means, and persuasion — for better race relations.



The Rev. Martin Luther King Jr. (center) and other leaders left in the Birmingham marches short-ly before his arrest yesterday. The other Negro leaders are Rev. F. L. Shuttlesworth (second from right) and Ralph Abernathy (left).

Attorney General Urges North-South 'Dialogue'

By the Associated Press

Attorney General Robert F. Kennedy says the Nation can learn this lesson from the racial strife in Birmingham, Ala.: "The importance of getting a dialogue going between people in the North and the South."

Mr. Kennedy, in an assessment yesterday of the Birmingham situation, added:

"We really have to start having greater exchanges and greater meetings . . . So that a Southern Senator can talk to Burke Marshall or the Attorney General . . . and not lose votes . . . and a white (Northern) Democratic politician can say something nice about some Southern leader and not feel that that is going to lose him the next election."

"That is, in our judgment, what is missing at the present time in the United States."

Mr. Kennedy's statement came as Assistant Attorney General Burke Marshall, who helped engineer the temporary settlement in Birmingham, returned to Washington.

Mr. Marshall, whom Mr. Kennedy credited with setting the stage for a settlement through his efforts to get white and Negro leaders to discuss

the tense situation, called the agreement "a tremendous step forward for Birmingham and for Alabama and for the South generally."

But, Mr. Marshall said, Birmingham has had such a long history of racial tension it is too early to declare the problems solved.

Mr. Marshall, chief of the Justice Department's Civil Rights Division, was aided in Birmingham by Assistant Attorney General Louis Oberdorfer, chief of the department's Tax Division and a former resident of Birmingham, and Deputy Attorney General Joseph F. Dolan.